

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

SUSANNA MIRKIN and BORIS MIRKIN,  
Individually and on Behalf of All Others  
Similarly Situated,

Plaintiffs,

v.

XOOM ENERGY, LLC and XOOM  
ENERGY NEW YORK, LLC,

Defendants.

No. 18 Civ. 2949 (ARR) (JAM)

**ORAL ARGUMENT REQUESTED**

**NOTICE OF DEFENDANTS' MOTION TO DECERTIFY THE CLASS**

**PLEASE TAKE NOTICE** that, in accordance with the Court's Order dated February 8, 2024, and upon the accompanying Declaration of Jason Loehde in Support of Defendants' Motion to Decertify the Class, dated March 1, 2024, with exhibits thereto, Declaration of Michael D. Matthews, Jr. in Support of Defendants' Motion to Decertify the Class, dated March 1, 2024, with Exhibits thereto, and Memorandum of Law in Support of Defendants' Motion to Decertify the Class, dated March 1, 2024, defendants XOOM Energy, LLC and XOOM Energy New York, LLC, through their undersigned counsel, move to decertify the class.

Dated: March 1, 2024

McDOWELL HETHERINGTON LLP

/s/ Michael D. Matthews, Jr.

Michael D. Matthews, Jr.

Diane S. Wizig (admitted *pro hac vice*)

James M. Chambers (admitted *pro hac vice*)

David L. Villarreal (admitted *pro hac vice*)

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*Attorneys for Defendants XOOM Energy,  
LLC and XOOM Energy New York, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been served on the 1st day of March, 2024, via email on all counsel of record.

/s/Michael D. Matthews, Jr.  
Michael D. Matthews, Jr.